

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

OCT 02 2017

Clerk, U.S. District Court
District Of Montana
Missoula

MONTANA ENVIRONMENTAL
INFORMATION CENTER,

Plaintiff,

vs.

UNITED STATES OFFICE OF
SURFACE MINING, an agency within
the U.S. Department of Interior, *et al.*,

Defendants,

and

SIGNAL PEAK ENERGY, LLC,

Defendant-Intervenor.

CV 15-106-M-DWM

ORDER

Defendant-Intervenor Signal Peak Energy, LLC, seeks to amend the remedy in this case pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (Doc. 69.) Federal Defendants join in the motion, (Doc. 71), while Plaintiff Montana Environmental Information Center opposes it, (Doc. 82.) Signal Peak requests the Court stay the remedies set forth in its August 14, 2017 Order, set an expedited briefing schedule on the issue, and set a date for a hearing. (Doc. 70 at 9.)

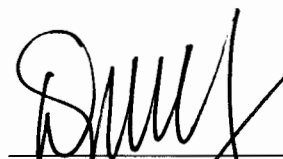
Accordingly,

IT IS ORDERED that a hearing is set for October 31, 2017, at 1:30 p.m. at the Russell Smith Federal Courthouse, Missoula, Montana. Each side (Plaintiff and Defendants/Defendant–Intervenor) shall have thirty minutes to present its argument, for a total time of one hour. Because the Court's August 14 Order (Doc. 60) speaks at length to the specific infirmities of the Mining Plan EA, Signal Peak's request to stay the vacatur is DENIED. The parties are therefore instructed to confine their arguments to the merits and scope of the injunction. The matter is fully briefed and no further filings will be considered.

A preliminary review of the *Winter* factors, *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 156–57 (2010), in tandem with the mining schedule Signal Peak sets forth in its briefing, indicates maintaining the injunction is appropriate for the time being. Accordingly,

IT IS FURTHER ORDERED that the injunction set forth in the August 14 Order (Doc. 60) shall remain in full force and effect pending the hearing.

DATED this 2nd day of October, 2017.



Donald W. Molloy, District Judge
United States District Court

16:35 P.M.